

Filed for intro on 02/22/95
Senate Bill _____
By _____

House No. HB1328
By Buck

AN ACT to amend Tennessee Code Annotated, Title 34, relative to guardianships.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 34-12-106, is amended by deleting the section in its entirety and substituting instead the following:

(a) Except as provided in this section, when the minor for whom a guardian is serving attains twenty-one (21) years of age, the guardianship shall terminate notwithstanding that such minor reached the age of majority prior to such time. A person for whom a guardian has been appointed who has attained the age of eighteen (18) years of age but who is not yet twenty-one (21) years of age may petition the court to terminate the guardianship prior to such person becoming twenty-one (21) years of age. The burden of demonstrating why the guardianship should terminate prior to such person becoming twenty-one (21) shall be on the person seeking termination. If the court finds that good cause for early termination has been shown, the court may grant the person's petition and terminate the guardianship. Within sixty (60) days after the date the guardianship terminates, the guardian shall file a preliminary final accounting

with the court, which shall account for all assets, receipts and disbursements from the date of the last accounting until the date the guardianship terminates, and shall detail the amount of the final distribution to close the guardianship. If no objections have been filed to the clerk's report on the preliminary final accounting within thirty (30) days from the date the clerk's report is filed, the guardian shall distribute the remaining assets. The receipts and final canceled checks evidencing the final distribution shall be filed with the court by the guardian. When the evidence of the final distribution is filed with the court and on order of the court, the guardianship proceeding shall be closed. A final accounting may not be waived by the minor for whom the guardian is serving regardless of the age of such minor.

(b) If the minor for whom a guardian is serving has previously been determined to be a disabled person, when the minor attains the age of eighteen (18) years, the guardian shall automatically continue as a conservator. If the guardian is the department of human services, this subsection shall not apply.

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it.

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